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|-------------------------------|------------------|-----------------|--|
| <b>Notice of Allowability</b> | Application No.  | Applicant(s)    |  |
|                               | 09/823,455       | GARNEY, JOHN I. |  |
|                               | Examiner         | Art Unit        |  |
|                               | Sumati Lefkowitz | 2112            |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 8/9/04 and declaration of 9/17/04.
2. ☒ The allowed claim(s) is/are 1-6, 8-27 and 29-32, now claims 1-30.
3. ☒ The drawings filed on 30 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                       |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                    | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____                                               |

**EXAMINER'S AMENDMENT**

1. Claims 1-6, 8-27 and 29-32, now claims 1-30, are allowed.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen T. Neal (#47,815) on January 4, 2005.

3. The application has been amended as follows:

IN THE CLAIMS

- a. As to claim 1,
  - on line 7, please replace "preliminary" with —start—
  - on line 8, please replace "preliminary" with —start—
- b. As to claim 2,
  - on line 1, please replace "preliminary" with —start—
- c. As to claim 3,
  - on line 1, please replace "preliminary" with —start—
- d. As to claim 21,
  - on line 2, please replace "preliminary" with —start—
- e. As to claim 24,

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- on line 7, please replace "preliminary" with –start—
- on line 8, please replace "preliminary" with –start—
- f. As to claim 25,
  - on line 1, please replace "preliminary" with –start—
- g. As to claim 26,
  - on line 1, please replace "preliminary" with –start—
- h. As to claim 29,
  - on line 8, please replace "preliminary" with –start—
  - on line 9, please replace "preliminary" with –start—
- i. As to claim 30,
  - on line 1, please replace "preliminary" with –start—
- j. As to claim 31,
  - on line 1, please replace "preliminary" with –start—

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumati Lefkowitz whose telephone number is 571-272-3638.

The examiner can normally be reached on Monday-Friday from 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached at 571-272-3632.

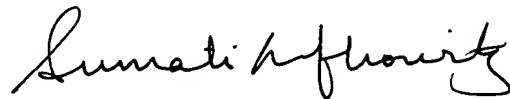
The fax phone numbers for the organization where this application or proceeding is assigned are:

703-872-9306 for Official communications

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571-273-3638 for Unofficial/Draft/Courtesy communications

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.



Sumati Lefkowitz  
Primary Examiner  
Art Unit 2112

sl  
January 7, 2005